

CIVIL,CLOSED

U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:08-cv-00543-LKK-KJN

Bailey, et al., v. San Joaquin County, et al.,
Assigned to: Judge Lawrence K. Karlton
Referred to: Magistrate Judge Kendall J. Newman
Cause: 42:1983 Civil Rights Act

Date Filed: 03/10/2008
Date Terminated: 12/16/2010
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Hayley Bailey

represented by **Michael E. Cardoza**
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Plaintiff

Kari Bailey

represented by **Jacqueline Carroll Fagerlin**
(See above for address)
LEAD ATTORNEY

Tiffany Kathleen O'Connor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Eddie Bailey

represented by **Jacqueline Carroll Fagerlin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tiffany Kathleen O'Connor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**San Joaquin County Sheriffs
Department**

represented by **Mark Emmett Berry**
Mayall Hurley Knutson Smith and Green
2453 Grand Canal Boulevard
2nd Floor
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LEAD ATTORNEY
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Defendant

San Joaquin County

represented by **Mark Emmett Berry**
(See above for address)
LEAD ATTORNEY
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Defendant

**Steve Moore
Sheriff**

represented by **Mark Emmett Berry**
(See above for address)
LEAD ATTORNEY

Defendant

Terry Breitmaier
Sheriff

represented by **Mark Emmett Berry**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	clear	Docket Text
03/10/2008	1	<input type="checkbox"/> 2.10MB	COMPLAINT <i>Hayley Bailey, Kari Bailey, Eddie Bailey</i> against Terry Breitmaier, Steve Moore, San Joaquin County Sheriffs Department, San Joaquin County. Attorney Fagerlin, Jacqueline Carroll added.(Fagerlin, Jacqueline) Modified on 3/10/2008 (Plummer, M). (Entered: 03/10/2008)
03/10/2008	2	<input type="checkbox"/> 166.99KB	CIVIL COVER SHEET by Kari Bailey, Eddie Bailey, Hayley Bailey (Fagerlin, Jacqueline) (Entered: 03/10/2008)
03/11/2008			RECEIPT number #CAE200005530 \$350.00 fbo Bailey, et al., by Jacqueline Fagerlin on 3/11/2008. (Kastilahn, A) (Entered: 03/11/2008)
03/11/2008	4	<input type="checkbox"/> 36.32KB	SUMMONS ISSUED as to *Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County* with answer to complaint due within *20* days. Attorney *Micael E. Cardoza* *The Cardoza Law Offices* *1220 Oakland Blvd, Ste 200* *Walnut Creek, CA 94596*. (Kastilahn, A) (Entered: 03/11/2008)
03/11/2008	5	<input type="checkbox"/> 29.62KB	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 6/2/2008 at 02:00 PM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Carlton. (Attachments: # 1 Consent Forms, # 2 VDRP Forms) (Kastilahn, A) (Entered: 03/11/2008)
04/03/2008	6	<input type="checkbox"/> 2.06MB	SUMMONS RETURNED EXECUTED by Kari Bailey, Eddie Bailey, Hayley Bailey. Steve Moore served on 3/28/2008, answer due 4/17/2008; Terry Breitmaier served on 3/28/2008, answer due 4/17/2008; San Joaquin County Sheriffs Department served on 3/28/2008, answer due 4/17/2008; San Joaquin County served on 3/28/2008, answer due 4/17/2008. (Fagerlin, Jacqueline) (Entered: 04/03/2008)
05/16/2008	7	<input type="checkbox"/> 1.00MB	<i>Answer to Plaintiffs' Complaint for Damages</i> ANSWER to COMPLAINT with Jury Demand Jury Trial Demanded by Terry Breitmaier. Attorney Berry, Mark Emmett added.(Berry, Mark) (Entered: 05/16/2008)
05/16/2008	8	<input type="checkbox"/> 1.06MB	<i>Answer to Plaintiffs' Complaint for Damages</i> ANSWER to COMPLAINT with Jury Demand Jury Trial Demand by Steve Moore, San Joaquin County. Attorney Berry, Mark Emmett added.(Berry, Mark) (Entered: 05/16/2008)
05/22/2008	9	<input type="checkbox"/> 0.83MB	PLAINTIFF(S) STATUS REPORT by Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 05/22/2008)
05/22/2008	10	<input type="checkbox"/> 468.90KB	DEFENDANT(S) STATUS REPORT by Steve Moore, Terry Breitmaier, San Joaquin County. (Berry, Mark) (Entered: 05/22/2008)

06/02/2008	11		MINUTES (Text Only) for proceedings held before Senior Judge Lawrence K. Karlton: SCHEDULING CONFERENCE held on 6/2/2008. Final Pretrial Conference set for 11/2/2009 at 01:30 PM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. 7 day Jury Trial set for 2/2/2010 at 10:30 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. Plaintiffs Counsel Jacqueline Fagerlin present. Defendants Counsel Mark Berry present. (Rivas, A) (Entered: 06/02/2008)
06/03/2008	<u>12</u>	<input type="checkbox"/> 100.52KB	STATUS PRETRIAL SCHEDULING CONFERENCE ORDER signed by Senior Judge Lawrence K. Karlton on 6/3/2008 ORDERING Discovery due by 6/1/2009. Dispositive Motion due by 8/1/2009. Final Pretrial Conference set for 11/2/2009 at 01:30 PM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. Jury Trial set for 2/2/2010 at 10:30 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. (Reader, L) (Entered: 06/03/2008)
02/05/2009	<u>13</u>	<input type="checkbox"/> 157.35KB	STIPULATION <i>Extending Time for Plaintiffs to Respond to Defendants Interrogatories and Request for Production of Documents</i> by Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 02/05/2009)
03/12/2009	<u>14</u>	<input type="checkbox"/> 365.86KB	STIPULATION and PROPOSED ORDER for Modifying <u>12</u> Pretrial Scheduling Order . Attorney Berry, Mark Emmett added. (Berry, Mark) Modified on 3/12/2009 (Duong, D). (Entered: 03/12/2009)
03/16/2009	15		MINUTES (Text Only) for proceedings held before Senior Judge Lawrence K. Karlton: SCHEDULING CONFERENCE re <u>14</u> held on 3/16/2009. The Final Pretrial Conference, currently set for 11/02/2009 is CONTINUED TO 2/16/2010 at 02:00 PM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. The Jury Trial, currently set for 02/02/2010, is CONTINUED TO 5/18/2010 at 10:30 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. Court order to follow. Plaintiffs Counsel Jacqueline Carroll Fagerlin present. Defendants Counsel Mary Berry present. (Rivas, A) (Entered: 03/16/2009)
03/18/2009	<u>16</u>	<input type="checkbox"/> 62.12KB	ORDER signed by Senior Judge Lawrence K. Karlton on 3/17/2009 ORDERING <u>14</u> Discovery due by 9/16/2009. Motion to Compel shall be noticed and served so as to be heard by the magistrate judge not later than 8/16/2009. Experts SHALL be designated and their reports submitted not later than 60 days prior to the close of discovery. Dispositive Motion due by 11/16/2009. Final Pretrial Conference reset for 2/16/2010 at 02:00 PM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. Jury Trial reset 5/18/2010 at 10:30 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton (Reader, L) (Entered: 03/18/2009)
06/01/2009	<u>17</u>	<input type="checkbox"/> 151.36KB	ASSOCIATION of ATTORNEY: Added attorney Tiffany Kathleen O'Connor and Jacqueline Carroll Fagerlin for Kari Bailey, Eddie Bailey and Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 06/01/2009)
06/15/2009	<u>18</u>	<input type="checkbox"/> 226.37KB	STIPULATION and PROPOSED ORDER for Protective Order on Production of Documents by Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. (Berry, Mark) (Entered: 06/15/2009)

07/17/2009	19	<input type="checkbox"/> 2.30MB	DESIGNATION/DISCLOSURE of EXPERT WITNESS by Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. (Berry, Mark) (Entered: 07/17/2009)
07/17/2009	20	<input type="checkbox"/> 329.28KB	[DISREGARD] DESIGNATION of EXPERT WITNESS. (Fagerlin, Jacqueline) Modified on 7/17/2009 (Becknal, R). (Entered: 07/17/2009)
07/17/2009	21	<input type="checkbox"/> 4.15MB	[DISREGARD] DESIGNATION of EXPERT WITNESS . (Attachments: # 1 Exhibit)(Fagerlin, Jacqueline) Modified on 7/17/2009 (Becknal, R). (Entered: 07/17/2009)
07/17/2009	22	<input type="checkbox"/> 9.02MB	DESIGNATION/DISCLOSURE of EXPERT WITNESS by Kari Bailey, Eddie Bailey, Hayley Bailey. (Attachments: # 1 Exhibit A, Part One, # 2 Exhibit A, Part two, # 3 Exhibit B)(Fagerlin, Jacqueline) Modified on 7/20/2009 (Kaminski, H). (Entered: 07/17/2009)
09/02/2009	23	<input type="checkbox"/> 141.97KB	MID-LITIGATION STATEMENT by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. (Berry, Mark) (Entered: 09/02/2009)
09/02/2009	24	<input type="checkbox"/> 137.35KB	MID-LITIGATION STATEMENT by Plaintiffs Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 09/02/2009)
10/09/2009	25	<input type="checkbox"/> 10.93MB	MOTION for SUMMARY JUDGMENT by Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. Motion Hearing set for 11/9/2009 at 10:00 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Carlton. (Attachments: # 1 Statement of Undisputed Facts, # 2 Memorandum of Points & Authorities, # 3 Declaration of Mark E. Berry, # 4 Exhibit A, # 5 Exhibit B-F, # 6 Exhibit G-K, # 7 Exhibit L-N)(Berry, Mark) Modified on 10/15/2009 (Becknal, R). (Entered: 10/09/2009)
10/26/2009	26	<input type="checkbox"/> 8.01MB	OPPOSITION by plt to 25 dfts' MOTION for SUMMARY JUDGMENT. (Attachments: # 1 Objections to dfts' Evidence, # 2 Statement of Additional Facts, # 3 Plaintiff's Separate Statement of Genuine Issues)(Fagerlin, Jacqueline) (Entered: 10/26/2009)
10/26/2009	27	<input type="checkbox"/> 266.72KB	DECLARATION of Kari Bailey in In Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment 25 MOTION for SUMMARY JUDGMENT. (Fagerlin, Jacqueline) (Entered: 10/26/2009)
10/26/2009	28	<input type="checkbox"/> 11.68MB	DECLARATION of Jacqueline C. Fagerlin, Esq. in In Support of Plaintiffs' 26 Opposition to 25 Defendants' Summary Judgment Motion . (Attachments: # 1 Exhibit 1 , # 2 Exhibit 2 , # 3 Exhibit 3 , # 4 Exhibit 4 , # 5 Exhibit 5 , # 6 Exhibit 6 , # 7 Exhibit 7 , # 8 Exhibit 8)(Fagerlin, Jacqueline) (Entered: 10/26/2009)
10/26/2009	29	<input type="checkbox"/> 8.50MB	EXHIBIT 9 to Fagerlin Declaration with Exhibits 10-16 attached re 25 MOTION for SUMMARY JUDGMENT filed by San Joaquin County, Terry Breitmaier, San Joaquin County Sheriffs Department, Steve Moore. (Attachments: # 1 Exhibit 10 , # 2 Exhibit 11 , # 3 Exhibit 12 , # 4 Exhibit 13 , # 5 Exhibit 14 , # 6 Exhibit 15 , # 7 Exhibit 16)(Fagerlin, Jacqueline) (Entered:

			10/26/2009)
10/26/2009	30	<input type="checkbox"/> 139.67KB	NOTICE of Lodging of Depositions and Exhibits to Fagerlin Declaration by pts in opposition to 25 dfts' MOTION for SUMMARY JUDGMENT (Fagerlin, Jacqueline) Modified on 10/28/2009 (Kastilahn, A). (Received and routed to the file room depositions of Clarence R. Chapman, Marcel Navarra, Eddie Bailey, Taura Lynn Scott, Kelly Hensley Williams, Peter D. Barnett, Ona Rutledge, Kari Bailey, Terry Breitmaier, Stephan Moore, Sgt William Mitchell, Rochelle Veloso-Cacapit, Stephanie Ramirez, Juanita Huerta, and Roger Clark.) (Entered: 10/26/2009)
11/02/2009	31	<input type="checkbox"/> 6.26MB	REPLY by Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County re 25 MOTION for SUMMARY JUDGMENT, 26 Opposition to Motion. (Attachments: # 1 Declaration of Juanita Huerta, # 2 Response to Plaintiffs' Objections to Evidence, # 3 Response to Plaintiffs' Separate Statement of Genuine Issues, # 4 Response to Plaintiffs' Separate Statement of Additional Material Facts)(Berry, Mark) Modified on 11/3/2009 (Kaminski, H). (Entered: 11/02/2009)
11/09/2009	32		MINUTES (Text Only) for proceedings held before Senior Judge Lawrence K. Karlton: MOTION HEARING held on 11/9/2009 re 25 MOTION for SUMMARY JUDGMENT filed by San Joaquin County, Terry Breitmaier, San Joaquin County Sheriffs Department, Steve Moore. MOTION SUBMITTED: Court shall issue order. Plaintiffs Counsel Jacqueline Fagerlin present. Defendants Counsel Mark Berry present. Court Reporter: C. Bodene. (Narcisse, M) (Entered: 11/09/2009)
11/16/2009	33	<input type="checkbox"/> 142.10KB	ORDER signed by Senior Judge Lawrence K. Karlton on 11/16/09 granting in part and denying in part dfts' Motion for Summary Judgment 25 . (Carlos, K) (Entered: 11/16/2009)
02/02/2010	34	<input type="checkbox"/> 2.86MB	PRETRIAL STATEMENT by Plaintiffs Kari Bailey, Eddie Bailey, Hayley Bailey.(Fagerlin, Jacqueline) (Entered: 02/02/2010)
02/02/2010	35	<input type="checkbox"/> 1.18MB	PRETRIAL STATEMENT by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County, Plaintiffs Kari Bailey, Eddie Bailey, Hayley Bailey.(Fagerlin, Jacqueline) (Entered: 02/02/2010)
02/08/2010	36	<input type="checkbox"/> 15.16KB	ORDER by Chief Judge Anthony W. Ishii ORDERING due to the recent appointment of Magistrate Judge Kendall J. Newman to the bench of the Eastern District, this action is REASSIGNED from Magistrate Judge Kimberly J. Mueller to Magistrate Judge Kendall J. Newman. (Deutsch, S) (Entered: 02/08/2010)
02/09/2010	37	<input type="checkbox"/> 2.37MB	PRETRIAL STATEMENT by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. (Attachments: # 1 Exhibit Attachment A - Witness List, # 2 Exhibit Attachment B - Exhibit List)(Berry, Mark) (Entered: 02/09/2010)

02/16/2010	38		MINUTE ORDER: The final pretrial conference currently set for February 16, 2010 is reset to February 24, 2010 at 2:00 p.m. Approved by Senior Judge Lawrence K. Karlton on 02/16/2010. (Hoover, S) (Entered: 02/16/2010)
02/24/2010	39		MINUTES (Text Only) for proceedings held before Senior Judge Lawrence K. Karlton: PRETRIAL CONFERENCE held on 2/24/2010. Trial confirmed. Motions in Limine hearing set for 5/10/2010 at 10:00 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. Matter shall be referred to settlement judge. Court shall issue tentative Pretrial Conference Order. Plaintiffs Counsel Michael Cordoza, Tiffany O'Connor present. Defendants Counsel Mark Berry present. (Narcisse, M) (Entered: 02/25/2010)
03/02/2010	40	<input type="checkbox"/> 1.14MB	PRETRIAL CONFERENCE ORDER signed by Senior Judge Lawrence K. Karlton on 3/1/2010. (Matson, R) (Entered: 03/02/2010)
03/12/2010	41	<input type="checkbox"/> 296.25KB	STIPULATION and PROPOSED ORDER for Modifying Settlement Conference Schedule by Steve Moore, Terry Breitmaier, Kari Bailey, Eddie Bailey, Hayley Bailey, San Joaquin County Sheriffs Department, San Joaquin County. (Berry, Mark) (Entered: 03/12/2010)
03/12/2010	42	<input type="checkbox"/> 19.37KB	STIPULATION and ORDER 41 signed by Judge John A. Mendez on 3/12/10 ORDERING that the Settlement Conference is reset for 4/23/2010 at 02:00 PM in Courtroom 6 (JAM) before Judge John A. Mendez. Confidential settlement statements are due by 4/16/10. (Owen, K) (Entered: 03/12/2010)
03/16/2010	43	<input type="checkbox"/> 1.55MB	OBJECTIONS to tentative pre-trial order by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County. (Attachments: # 1 Defendants' Witness List (Exhibit A), # 2 Defendants' Exhibit List (Attachment B))(Berry, Mark) Modified on 3/17/2010 (Kaminski, H). (Entered: 03/16/2010)
03/17/2010	44	<input type="checkbox"/> 1.77MB	OBJECTIONS by Plaintiffs Kari Bailey, Eddie Bailey, Hayley Bailey. (Attachments: # 1 Amended Witness List, # 2 Amended Exhibit List)(Fagerlin, Jacqueline) (Entered: 03/17/2010)
03/17/2010	45	<input type="checkbox"/> 154.37KB	ADDITIONAL AMENDMENTS to 43 OBJECTIONS by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County.(Berry, Mark) Modified on 3/18/2010 (Kaminski, H). (Entered: 03/17/2010)
03/22/2010	46	<input type="checkbox"/> 316.49KB	RESPONSE by Kari Bailey, Eddie Bailey, Hayley Bailey to 43 OBJECTIONS. (Fagerlin, Jacqueline) Modified on 3/23/2010 (Kaminski, H). (Entered: 03/22/2010)
03/22/2010	47	<input type="checkbox"/> 331.59KB	RESPONSE by Defendants Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County to 44 Objections. (Berry, Mark) Modified on 3/23/2010 (Kaminski, H). (Entered: 03/22/2010)
03/26/2010	48	<input type="checkbox"/> 31.02KB	NOTICE of SETTLEMENT by Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 03/26/2010)

03/29/2010	49	<input type="checkbox"/> 32.66KB	REQUEST to remove trial related hearings and deadlines from calendar by Kari Bailey, Eddie Bailey, Hayley Bailey. (Owen, K) (Entered: 03/30/2010)
03/31/2010	50	<input type="checkbox"/> 68.35KB	ORDER signed by Senior Judge Lawrence K. Karlton on 3/30/10 ORDERING dispositional documents disposing of the case be filed no later than 60 days from the effective date of this order; all hearing dates set in this matter are VACATED. (Carlos, K) (Entered: 03/31/2010)
05/25/2010	52	<input type="checkbox"/> 108.62KB	STATEMENT of NON-OPPOSITION by Steve Moore, Terry Breitmaier, San Joaquin County Sheriffs Department, San Joaquin County to 51 MOTION Approval of Proposed Settlement. (Berry, Mark) (Entered: 05/25/2010)
05/25/2010	53	<input type="checkbox"/> 67.82KB	REQUEST for <i>Extension for deadline to file dispositional documents</i> by Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 05/25/2010)
06/01/2010	54	<input type="checkbox"/> 65.47KB	ORDER signed by Senior Judge Lawrence K. Karlton on 6/1/10 ORDERING that the deadline for submission of dispositional documents is extended to 7/9/10. (Owen, K) (Entered: 06/01/2010)
06/07/2010	55		MINUTES (Text Only) for proceedings held before Senior Judge Lawrence K. Karlton: MOTION HEARING held on 6/7/2010 re 51 MOTION Approval of Proposed Settlement filed by Eddie Bailey, H. B., Kari Bailey. Plaintiff's counsel is instructed to provide a report from the treating psychologist. Court order to follow. Plaintiffs Counsel Jacqueline Fagerlin present. Defendants Counsel No Appearance present. Court Reporter: C. Bodene. (Rivas, A) (Entered: 06/07/2010)
06/09/2010	56	<input type="checkbox"/> 61.81KB	ORDER signed by Senior Judge Lawrence K. Karlton on 6/8/2010 ORDERING Plaintiffs to file supplemental evidence and briefing on the issues listed within 21 days of the issuance of this order; Further, the court instructs the Clerk of Court to seal 51 plaintiffs' motion to approve the settlement of a minor. (Reader, L) (Entered: 06/09/2010)
06/10/2010	57	<input type="checkbox"/> 86.56KB	REQUEST for <i>Extension to File Dispositional Documents</i> by Kari Bailey, Eddie Bailey, Hayley Bailey. (Fagerlin, Jacqueline) (Entered: 06/10/2010)
06/14/2010	58	<input type="checkbox"/> 62.10KB	ORDER signed by Senior Judge Lawrence K. Karlton on 06/11/10 ORDERING that plf's 57 Motion for Extension of Time is GRANTED; the deadline for the filing of dispositional papers is CONTINUED to 09/30/10. (Benson, A.) (Entered: 06/14/2010)
06/28/2010	59	<input type="checkbox"/> 95.11KB	REQUEST for <i>Extension for Deadline to File Disposition Papers</i> by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 06/28/2010)
07/01/2010	60	<input type="checkbox"/> 94.42KB	PROPOSED ORDER for Request for Extension of Deadline to File Supplemental Evidence and Briefing and to File Dispositional Documents by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) Modified on 7/2/2010 (Owen, K). (Entered: 07/01/2010)

07/06/2010	61	<input type="checkbox"/> 73.35KB	ORDER signed by Senior Judge Lawrence K. Karlton on 7/6/2010 GRANTING 60 Request for extension of deadline to file supplemental evidence and briefing and to file dispositional documents; The deadline for Plaintiff to file therequested supplemental evidence and briefing in the above captioned case be continued to September 30, 2010, and the deadline for the filing of dispositional papers be continued to November 30, 2010.(Matson, R) (Entered: 07/06/2010)
09/30/2010	62	<input type="checkbox"/> 358.50KB	AMENDED PROPOSED ORDER for Approval of Proposed Settlement for Minor Hayley Bailey by Eddie Bailey, Hayley Bailey, Kari Bailey. (Attachments: # 1 Supplemental Declaration of Jacqueline C. Fagerlin, Esq. In Support of Plaintiffs' Motion for Approval of Proposed Settlement for Minor Hailey Bailey)(Fagerlin, Jacqueline) Modified on 10/1/2010 (Matson, R). (Entered: 09/30/2010)
09/30/2010	63		SEALED EVENT (Matson, R) (Entered: 10/01/2010)
10/15/2010	64		SEALED EVENT (Williams, D) (Entered: 10/15/2010)
11/09/2010	66	<input type="checkbox"/> 65.47KB	REQUEST for <i>Extension of Deadline to File Dispositional Documents</i> by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) Modified on 11/10/2010 (Carlos, K). (Entered: 11/09/2010)
11/09/2010	67	<input type="checkbox"/> 32.34KB	PROPOSED ORDER Extending Deadline for Filing Dispositional Documents by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 11/09/2010)
11/10/2010	68	<input type="checkbox"/> 72.87KB	ORDER signed by Senior Judge Lawrence K. Karlton on 11/10/10 ORDERING that the deadline for Plaintiffs to file dispositional documents is CONTINUED to 2/1/2011. (Mena-Sanchez, L) (Entered: 11/10/2010)
12/01/2010	69		SEALED EVENT (Reader, L) (Entered: 12/02/2010)
12/14/2010	70	<input type="checkbox"/> 0.58MB	SECOND AMENDED PROPOSED ORDER for approval of Proposed Settlement for Minor Hayley Bailey by plaintiffs. (Attachments: # 1 Declaration of Paul Lesti in support) (Fagerlin, Jacqueline) Modified on 12/15/2010 (Marciel, M). (Entered: 12/14/2010)
12/16/2010	71	<input type="checkbox"/> 82.55KB	ORDER signed by Senior Judge Lawrence K. Karlton on 12/15/10 GRANTING 70 Second Amended Proposed Order for Approval of Proposed Settlement for Minor Hayley Bailey. The proposed compromise of action and the proposed distribution of the proceeds of the settlement is approved. (Williams, D) (Entered: 12/16/2010)
01/25/2011	72	<input type="checkbox"/> 61.22KB	REQUEST for Extension to file Dispositional Documents by plaintiffs. (Fagerlin, Jacqueline) Modified on 1/26/2011 (Marciel, M). (Entered: 01/25/2011)
01/25/2011	73	<input type="checkbox"/> 51.05KB	PROPOSED ORDER extending deadline to file dispositional documents by plaintiffs. (Fagerlin, Jacqueline) Modified on 1/26/2011 (Marciel, M) (Entered: 01/25/2011)

01/26/2011	74	<input type="checkbox"/> 70.72KB	ORDER re: 72 Request, and 73 Proposed Order, signed by Senior Judge Lawrence K. Karlton on 1/25/11. The deadline for pltfs to file dispositional documents is CONT'D to 3/1/11. (Kastilahn, A) (Entered: 01/26/2011)
02/23/2011	75	<input type="checkbox"/> 66.92KB	REQUEST for <i>Extension to File Dispositional Documents</i> by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 02/23/2011)
02/23/2011	76	<input type="checkbox"/> 30.06KB	PROPOSED ORDER Extending Deadline to File Dispositional Documents by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 02/23/2011)
02/28/2011	77	<input type="checkbox"/> 70.70KB	ORDER signed by Senior Judge Lawrence K. Karlton on 02/28/11 ORDERING that the deadline for Plaintiffs to file dispositional documents is continued to April 1, 2011.(Williams, D) (Entered: 02/28/2011)
03/18/2011	78	<input type="checkbox"/> 38.81KB	STIPULATION for <i>Dismissal of Action</i> by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 03/18/2011)
03/18/2011	79	<input type="checkbox"/> 29.27KB	PROPOSED ORDER for Dismissal of Action re 78 Stipulation by Eddie Bailey, Hayley Bailey, Kari Bailey. (Fagerlin, Jacqueline) (Entered: 03/18/2011)
03/21/2011	80	<input type="checkbox"/> 69.15KB	ORDER signed by Senior Judge Lawrence K. Karlton on 3/18/11 ORDERING this action is DISMISSED. Case closed. (Carlos, K) (Entered: 03/21/2011)

1 Michael E. Cardoza, Esq., (SBN 52264)
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10 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HAYLEY BAILEY, a minor; KARI BAILEY,
an individual; EDDIE BAILEY, an individual;

Plaintiffs,

vs.

SAN JOAQUIN COUNTY; SAN JOAQUIN
COUNTY SHERIFF'S DEPARTMENT;
SHERIFF STEVE MOORE; DEPUTY
SHERIFF TERRY BREITMAIER; and DOES
1 through 50, inclusive,

Defendants.

Case No. 2:08-CV-00543-LKK-KJM

**SECOND AMENDED [PROPOSED]
ORDER FOR APPROVAL OF PROPOSED
SETTLEMENT FOR MINOR HAYLEY
BAILEY**

Date: June 7, 2010
Time: 10:00 a.m.
Dept.: Courtroom 4, 15th Floor
Judge: The Honorable Lawrence K. Karlton

Plaintiff Kari Bailey, on behalf of minor and next of friend Hayley Bailey, has petitioned for court approval of a proposed compromise of a disputed claim and a proposed distribution of the proceeds of a settlement for the minor plaintiff Hayley Bailey.

A hearing was held on June 7, 2010, at 10:00 a.m., in Department 4, 15th Floor of the United States District Court, Eastern District of California.

Plaintiff Kari Bailey is a parent of Plaintiff Hayley Bailey. Plaintiff Hayley Bailey is a minor. The action to be compromised is asserted against San Joaquin County, San Joaquin County Sheriff's

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1 Department, Sheriff Steve Moore, and Deputy Sheriff Terry Breitmaier (hereinafter jointly referred
2 to as “the payer”).

3 The Court finds that all notices required by law have been given. The Court, having
4 considered the petition and finding the structured settlement to be in the best interest of Hayley
5 Bailey, HEREBY ORDERS that:

6 1. The Motion for Approval of Proposed Settlement for Minor Hayley Bailey is granted
7 and the proposed compromise of action and the proposed distribution of the proceeds of the
8 settlement is approved. The gross amount of the settlement in favor of Plaintiff Hayley Bailey is
9 \$65,000.00.

10 2. The payer shall disburse the proceeds of the settlement approved by this order in the
11 following manner:

12 Attorney's fees in the total amount of:	\$19,837.21
13 Reimbursement for medical expenses to be paid by the minor or the	
14 minor's attorney in the total amount of:	\$ 218.40
15 Reimbursement for all other expenses paid by the minor or the minor's	
16 attorney in the total amount of:	\$5,488.36

17 The balance of the settlement available for claimant after payment of all allowed fees and
18 expenses is \$39,456.03.

19 The payer is hereby ordered to pay to HAYLEY BAILEY the sums outlined below and to
20 sign all appropriate paperwork to achieve a tax-free Structured Settlement as defined under 26
21 U.S.C.A. 5891(c)(1)(A)&(B):

22 Periodic payments will be made according to the Schedule as follows (the “Periodic
23 Payments”):

24 **To HAYLEY BAILEY. Date of Birth: March 19, 2002.**

25 \$9,500.00 on March 19, 2020 (age 18)

26 \$14,500.00 on March 19, 2023 (age 21)

27 \$19,500.00 on March 19, 2027 (age 25)

\$ 38,278.96 on March 19, 2032 (age 30)

Guaranteed benefit is \$ 81,778.96.

Cost and present value is \$39,456.03.

All sums set forth herein constitute damages on account of personal physical injuries or physical sickness, within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.

7 It is further ordered that the payer shall have a valid check in the amount of \$39,456.03
8 payable to "Prudential Assigned Services Corporation," delivered to Lesti Structured Settlements
9 745 Distel Drive, Suite 114, Los Altos, CA 94022 on or before February 14, 2011. The projected
10 annuity purchase date is February 25, 2011. Any delay in funding may result in a delay of the start
11 date of the above periodic payments by an equal number of days or an adjustment of payments
12 without the necessity of an additional order or hearing, so that the final benefits will be listed in the
13 assignment agreement.

14 It is further ordered that the payer shall agree to cooperate and shall sign all appropriate
15 paperwork to achieve a Structured Settlement under 26 U.S.C.A. 5891(c)(1)(A)&(B), which includes
16 but is not limited to, entering into a settlement agreement obligating the payer to make the above
17 future Periodic Payments. The payer will then be assigning this obligation via an assignment
18 agreement to Prudential Assigned Services Corporation, which will purchase a structured settlement
19 annuity, to provide these Periodic Payments, from The Prudential Insurance Company of America,
20 which is rated A+ (XV) the highest by the AM Best Company. The Prudential Insurance Company
21 of America will guarantee the performance of Prudential Assigned Services Corporation.

22 3. Within 48 hours of receipt of a check or draft, the attorney's for Hayley Bailey or its
23 agent Lesti Structured Settlement, must invest the check or draft into the structured settlement
24 annuity.

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1 4. The minor Plaintiff Hayley Bailey, by and through her mother and next of friend,
2 Kari Bailey, is authorized to execute settlement documents upon receipt of the full amount of the
3 settlement sum approved by this Order and the investment of funds, the petitioner is authorized and
4 directed to execute and deliver to the payer a full, complete, and final release and discharge of any
5 and all claims and demands of the minor Plaintiff by reason of the incident described in the Motion
6 and the resultant injuries to the minor Plaintiff and the properly executed dismissal with prejudice.

7 IT IS SO ORDERED.

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Honorable Lawrence Karlton
United States District Court,
Eastern District of California

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5 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 HAYLEY BAILEY, a minor; KARI BAILEY,
12 an individual; EDDIE BAILEY, an
individual;

12 Plaintiffs.

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15 SAN JOAQUIN COUNTY; SAN JOAQUIN
COUNTY SHERIFF'S DEPARTMENT;
16 SHERIFF STEVE MOORE; DEPUTY
SHERIFF TERRY BREITMAIER; and
17 DOES 1 through 50, inclusive,

18 Defendants.

Case No. 2:08-CV-00543-LKK-KJM

**DECLARATION OF PAUL LESTI IN
SUPPORT OF PLAINTIFFS' SECOND
AMENDED [PROPOSED] ORDER FOR
APPROVAL OF PROPOSED
SETTLEMENT FOR MINOR HAYLEY
BAILEY**

21 I, Paul Lestie, declare:

22 1. I am a Certified Structured Settlement Consultant and a Registered
23 Settlement

24 Planner. I am the President of Lesti Structured Settlements, Inc. I have prepared the
25 figures for Plaintiff Hayley Bailey's structured settlement in conjunction with The Prudential
26 Insurance Company of America.

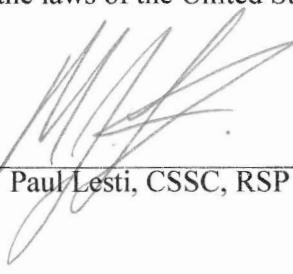
27 DECLARATION OF PAUL LESTI IN SUPPORT OF PLAINTIFFS' SECOND AMENDED [PROPOSED] ORDER FOR APPROVAL OF
PROPOSED SETTLEMENT FOR MINOR HAYLEY BAILEY

1 2. I make this declaration from my own personal knowledge. If called as a
2 witness, I could and would competently testify to the matters stated herein under oath.

3 3. Approximately 7 months will have transpired between the original purchase date of
4 July 9, 2010 and the new purchase date of February 25, 2011. Most of the future periodic payments
5 were required to be reduced to account for this lack of time that the interest would have been earned
6 on the investment of \$39,456.03.

7 I declare under the penalty of perjury under the laws of the United States and the state of
8 California that the foregoing is true and correct.

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10 Dated: December 13, 2010


Paul Lesti, CSSC, RSP

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